

(2) by striking the item relating to section 674 and inserting the following:

“674. Small boat station rescue capability.”.

(d) **WAIVER.**—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting “located in Ketchikan, Alaska” after “moorage”.

SA 2868. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, *supra*.

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.”.

SA 2869. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “New York City Natural Gas Supply Enhancement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PERMITTEE.**—The term “permittee” means the Transcontinental Gas Pipeline Company, LLC, (Transco), its successors or assigns.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. AUTHORIZATION FOR PERMIT.

(a) **IN GENERAL.**—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) **TERMS AND CONDITIONS.**—A permit issued under this section shall be—

(1) consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to such terms and conditions as the Secretary deems appropriate.

(c) **FEES.**—The Secretary shall charge a fee for any permit issued under this section. The fee shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.

(d) **TERM.**—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) **IN GENERAL.**—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) **TERMS AND CONDITIONS.**—A lease entered into under this section shall—

(1) be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a-2(k)), except that the proceeds from rental payments may be used for

infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and

(2) provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.

SEC. 5. ENFORCEMENT.

The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.

SA 2870. Mr. PRYOR (for Mr. ENZI) proposed an amendment to the resolution S. Res. 472, designating October 7, 2012, as “Operation Enduring Freedom Veterans Day”.

In the fifth whereas clause, strike “nearly 1,800” and insert “some 2,000”.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Abby Duggan, Anne Berry, and Nikki Hurt of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENABLING ENERGY SAVING INNOVATIONS ACT

Mr. PRYOR. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4850, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4850) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent a Bingaman amendment, which is at the desk, be agreed to, that a Shaheen-Portman amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2861) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment (No. 2862) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The amendments were ordered to be engrossed and the bill read a third time.

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

H.R. 4850

Resolved, That the bill from the House of Representatives (H.R. 4850) entitled “An Act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.”, do pass with the following amendment:

At the end of the bill, add the following:

SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) **UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **COVERED WATER HEATER.**—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) **FINAL RULE.**—The term ‘final rule’ means the final rule published under this paragraph.

“(B) **PUBLICATION OF FINAL RULE.**—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) **PURPOSE.**—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) **EFFECT OF FINAL RULE.**—

“(i) **IN GENERAL.**—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) **EFFECTIVE DATE.**—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) **CONVERSION FACTOR.**—

“(i) **IN GENERAL.**—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) **APPLICATION.**—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) **EFFECT ON EFFICIENCY REQUIREMENTS.**—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) **USE.**—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) **PERIOD.**—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) **EXCLUSIONS.**—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as